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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,119	08/15/2001	Bruce A. Schofield	13072BAUS02U	9946

34845 7590 03/09/2007  
McGUINNESS & MANARAS LLP  
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ACTON, MA 01720

EXAMINER
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BOUTAH, ALINA A

ART UNIT	PAPER NUMBER
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2143

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/930,119

Applicant(s)

SCHOFIELD ET AL.

Examiner

Alina N. Boutah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This action is in response to Applicant's amendment filed January 22, 2007. Claims 1-49 are pending in the present application.

This application has been reassigned to another examiner. The examiner has carefully evaluated the instant claims in view of the prior art. The examiner has conducted a new and careful search of the pertinent prior art areas and presents herein an examination of the claims in view of the newly discovered prior art references.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 14, 26, 29 and 39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The disclosure lacks clear written description in a description on "whereby the user need not have the network information in order to obtain a new optical communication path." It is unclear how and why does the OSS not needing the "leak" topological information to enable an OSA user.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,681,232 issued to Sistanizadeh et al in view of USPN 6,636,505 issued to Wang et al.

Sistanizadeh et al. combined with Wang et al. teach claims

1. An optical service agent for managing communication services for a user in an optical communication system in which the user lacks at least some network information related to the services, the optical service agent comprising:

a user-to-network interface (UNI) for interfacing with an optical communication network including network topological information; (col.2, lines 36-67) and

network information related to the communication services; (Abstract; "IP-Over Ethernet on fiber networks") and optical service logic for obtaining a new optical communication path from the optical communication network via the UNI based at least in-part on the network information related to the communication services and managing said optical communication path for the user; (col. 18, lines 17-35; fig.4; "Summit48 supports OSPF (Open Shortest Path First). OSPF is a routing protocol that determines the best path for routing IP traffic over a TCP/IP network.")

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whereby the user need not have the network information in order to obtain a new optical communication path.

However, Sistanizadeh does not explicitly teach managing said optical communication path for the user without exposing the network topological information to the user.

In an analogous art, Wang teaches managing optical communication path for the user without exposing the network topological information to the user (col. 14, line 14 to col. 15, line 15). At the time the invention was made, one of ordinary skill in the art would have been motivated to conceal the network topological information from the user therefore enforcing security to the network.

2. The optical service agent of claim 1, wherein the optical communication network comprises an automatically switched optical/transport network (ASON), and wherein the UNI comprises an ASON UNI. (col.30, lines 19-32)

3. The optical service agent of claim 1, further comprising auto-discovery logic for automatically discovering peer users. (121)

4. The optical service agent of claim 3, wherein the auto-discovery logic comprises an advertisement mechanism for sending and receiving peer information. (77,79)

5. The optical service agent of claim 4, further comprising a peer database for storing peer information. (col.14, lines 6-36)

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6. The optical service agent of claim 1, further comprising peer authentication logic for authenticating peer users. (fig. 11, peer authenticating logic peer users 187, 90, 135, 133)

7. The optical service agent of claim 1, further comprising peer-to-peer signaling logic for communicating with peer users. (fig. 11; col. 14, lines 6-36)

8. The optical service agent of claim 7, wherein the optical service logic coordinates communication services with peer users via the peer-to-peer signaling logic. (fig. 11)

9. The optical service agent of claim 1, wherein the optical service agent comprises an application component and a network component ("The system 351 also includes one or more input/output interfaces for communications, shown by way of example as an interface 359 for data communications via the LAN at the NOC 135, and from that LAN to the out-of-band signaling network and preferably to the production network. The interface 259 could include a modem for telnet sessions, but preferably comprises one or more network interface cards, such as Ethernet cards. The communication interface 359 may include virtually any other appropriate data communications device. The physical communication links may be optical, wired, or wireless (e.g., via satellite or cellular network). In accord with aspects of the invention, the computer system 351 connects to a local area network, for communication with other operations support systems, such as the web server 111 and the order manager 147, at one of the NOC locations 135. Through the LAN and/or another interface card, the system 107 also has

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communications connectivity both to the production network (for SNMP communications and the like) and to the NOC router for the out-of-band (OOB) communications.")

10. The optical service agent of claim 9, wherein the application component and the network component are situated within the user, and wherein the network component implements the UM for interfacing with the optical communication network. (351)

11. The optical service agent of claim 9, wherein the application component is situated within the user and the network component is situated within the optical communication network, and wherein the application component and the network component communicate via the UNI. (351)

12. The optical service agent of claim 9, wherein the application component and the network component communicate via a control interface, and wherein the network component interfaces with the optical communication network via the UNI as a proxy for the application component. (115, 117)

13. The optical service agent of claim 1, further comprising an application program, interface (API) for interfacing with a user application. (113)

Claims 14-49 are similarly rejected as in claims 1-13.

***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.




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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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